

UNITED STATES DISTRICT COURT

for the

United States of America

v.

ROJAS, Delia
GOMEZ, EricDefendant(s)

Case No. C-13-143m

United States Court
Southern District of Texas
FILED

FEB - 4 2013

David J. Bradley, Clerk of Court

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

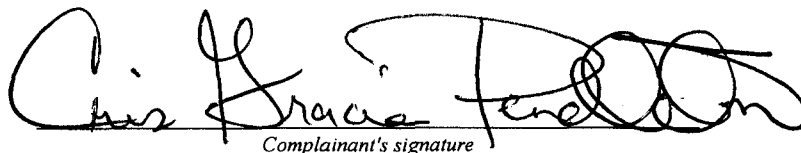
On or about the date(s) of 02/03/2013 in the county of BROOKS in the
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

Title 21, USC 841 (a)(1)

knowingly, intentionally and unlawfully possess with
intent to distribute a controlled substance in
Schedule I, of the Controlled Substance Act of 1970
to wit: 52.22 kilograms (agw) of Marijuana and
knowingly, intentionally and unlawfully conspire to
distribute 52.22 kilograms (agw) of Marijuana.

This criminal complaint is based on these facts:

See attached Affidavit in Support of Criminal Complaint

☒ Continued on the attached sheet.

Complainant's signature

TFO Cris Gracia Pendleton

Printed name and title

Sworn to before me and signed in my presence.

Date:

2/4/13

Judge's signature

City and state: Corpus Christi, Texas

Judge Brian L. Owsley U.S. Magistrate

Printed name and title

ATTACHMENT "A"

ROJAS, Delia
GOMEZ, Eric

On February 2, 2013, Border Patrol Agent Adrian Gutierrez, was working the primary inspection lane at the U.S. Border Patrol Checkpoint, 13 miles south of Falfurrias, Texas on Highway 281. Also working with BPA Gutierrez on this day was Border Patrol Agent Nathaniel Kooiman and his service canine "Rudie-p". At approximately 2230 hours, a blue Ford Focus sedan approached the primary inspection lane for an immigration inspection of its occupants.

As BPA Gutierrez was conducting an immigration inspection, Agent Kooiman advised that his canine was alerting to the vehicle and asked BPA Gutierrez to place the vehicle in the secondary area for a closer inspection. Before referring the vehicle to park in secondary, BPA Gutierrez asked the driver, later identified as Delia ROJAS where she was traveling to. ROJAS replied she was traveling to Dallas, Texas to visit relatives. BPA Gutierrez then asked ROJAS if she was a United States citizen, she responded "Yes, I am". BPA Gutierrez then asked the two passengers in the vehicle later identified as Eric GOMEZ and Maria HERRERA-GOMEZ if they were United States citizens, they both were. Based on the canine alert BPA Gutierrez requested ROJAS to park her vehicle at the secondary area of inspection for a closer inspection of the vehicle.

Once in the secondary inspection area, ROJAS was asked to exit the vehicle along with the rest of the occupants in order for Agent Kooiman and his Service Canine to perform a systematic search. Once in the secondary area "Rudie-p" alerted and indicated to the trunk of the vehicle. At this time Agent Kooiman opened the trunk and discovered five bundles inside two separate suit cases. Agents recovered five bundles of marijuana with an approximate weight of 52.22 kilograms.

At this time ROJAS was placed under arrest and escorted inside the checkpoint along with the rest of the passengers of the vehicle. BPA Gutierrez read ROJAS her Miranda Rights in the English Language with Agent Kooiman as witness. BPA Gutierrez also read the Miranda Rights to GOMEZ and his mother. The subjects signed the Miranda Rights form indicating that they understood their rights.

A total of 5 bundles weighing 52.22 kilograms of marijuana were discovered inside the trunk of the vehicle within two suit cases. Border Patrol Agents conducted a field test of the bundles with positive results for marijuana.

Once inside the checkpoint I questioned ROJAS as to the marijuana in the vehicle and she stated that she had no knowledge of the drugs being inside the trunk of the vehicle. Eric GOMEZ was also questioned as to the drugs inside the trunk of the vehicle; GOMEZ stated that he knew nothing about drugs inside the trunk of the vehicle. Due to the advanced age along with health issues Maria HERRERA-GOMEZ was entered into the event but was not entered into

the IDENT/IAFIS database. HERRERA-GOMEZ was questioned as to the drugs found in the vehicle but had no knowledge of the narcotics hidden inside the car.

On 02/03/13, TFO Cris Gracia Pendleton and TFO Chuck Schuetz arrived at the Falfurrias, USBP Checkpoint to take custody of both Delia ROJAS and Eric GOMEZ along with the evidence in the case.

TFO Gracia Pendleton read both Delia ROJAS and Eric GOMEZ their Miranda Rights witnessed by S/A Chuck Schuetz. Both Delia ROJAS and Eric GOMEZ stated that they understood their Miranda Rights and stated that they were willing to speak to Agents and answer questions Eric GOMEZ stated the following.

GOMEZ stated that he did prior knowledge of the marijuana, but did not know how much he was transporting. GOMEZ stated that he was going to be paid \$2,000.00 dollars upon successfully delivering the marijuana to St. Roberts, Missouri. GOMEZ stated that this was his third trip transporting marijuana. GOMEZ stated that he and his cousin Delia ROJAS traveled together to Missouri on the previous trips. GOMEZ stated that his cousin Delia ROJAS had approached him and asked GOMEZ if he was interested in making some extra money. GOMEZ stated that he was in need of money and that is why he agreed to transport the marijuana with ROJAS.

ROJAS stated the following: ROJAS stated that she did know that there were drugs in her vehicle, but did not know what kind of drugs or how much was in the vehicle. ROJAS stated that she was going to deliver the drugs to an unknown individual in Missouri. ROJAS stated that her cousin Eric GOMEZ was going to help her drive from Dallas, Texas to Missouri. ROJAS stated that she approached her brother Ruben Rojas about making some extra money because she knew that her brother Ruben was involved in the drug business. ROJAS stated that she was in need of money but did not discuss an exact amount of money she was going to be paid upon arriving in Missouri with the drugs. ROJAS stated that she and her cousin Eric GOMEZ traveled to Alamo, Texas to pick up the suitcases containing the marijuana. ROJAS stated that she received \$160.00 for expenses and believes that her cousin Eric GOMEZ was offered the same amount.

AUSA Chad Cowen was contacted and verbally authorized Federal prosecution of Delia ROJAS and Eric GOMEZ. Both Delia ROJAS and Eric GOMEZ were transported to the Coastal Bend Detention Center in Robstown, Texas for overnight detention.

The amount of marijuana infers the intent to distribute.